

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Mortuary Science hereby gives Notice of Intended Action to amend Chapter 100, “Practice of Funeral Directors, Funeral Establishments, and Cremation Establishments,” and Chapter 101, “Licensure of Funeral Directors, Funeral Establishments, and Cremation Establishments,” Iowa Administrative Code.

These proposed amendments define an embalming record; require funeral directors to complete embalming records when applicable; identify funeral records that are to be created and maintained by the funeral director and funeral establishment of the licensed activity associated with a decedent; add a new subrule on intern training requirements and the number of procedures to be completed during an internship; require the preceptor to familiarize the intern with all aspects of funeral directing; provide for the loss of preceptor status upon failure to comply with Board rules; and clarify the endorsement process. All other changes are technical in nature.

Interested parties were provided an opportunity to comment on the proposed amendments prior to publication of this Notice. The proposed amendments were distributed to Iowa Funeral Directors Association (IFDA) members, Iowa Department of Public Health, Bureau of Vital Statistics, and the Des Moines Area Community College Mortuary Science Program. The Board received comments from the Bureau of Vital Statistics and incorporated recommended changes into the proposed amendments.

Any interested person may make written comments on the proposed amendments no later than November 19, 2013, addressed to Judy Manning, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; e-mail judith.manning@idph.iowa.gov.

A public hearing will be held on November 19, 2013, from 8 to 8:30 a.m. in Conference Room 513, Lucas State Office Building, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 21, 147, 144C, 156 and 272C.

The following amendments are proposed.

ITEM 1. Adopt the following new definition of “Embalming record” in rule **645—100.1(156)**:

“*Embalming record*” means a record completed by the licensed funeral director or registered intern for each body embalmed in Iowa, or otherwise prepared for disposition by the licensee. “Embalming record” includes, at a minimum, a case analysis and a detailed listing of the procedures or treatments or both performed on the deceased.

ITEM 2. Amend paragraphs **100.2(1)“b”** and **“f”** as follows:

b. Embalming deceased human beings as specified in rule 645—100.6(156); and completing embalming records as specified in paragraph 100.11(2)“d.”

f. Signing death certificates and performing associated duties under Iowa Code chapter 144.

ITEM 3. Amend subrule 100.2(2) as follows:

100.2(2) Registered interns. Registered interns may provide funeral director services identified in subrule 100.2(1), paragraphs “a” through “e *f*,” under the direct supervision of an Iowa-licensed preceptor. ~~Registered~~ However, registered interns shall not sign death certificates.

ITEM 4. Adopt the following new rule 645—100.11(156):

645—100.11(156) Records to be retained by a funeral establishment. To ensure a permanent record of the licensed activity relating to the custody of each decedent, each funeral director shall create and the funeral establishment shall maintain the records identified in this rule. Funeral directors and funeral establishments shall comply with the rules adopted by the department of public health under Iowa Code section 144.49.

100.11(1) At a minimum, the following information, if applicable, relating to each human remains which enters the custody of the establishment/licensee shall be maintained as the permanent record of licensed activity:

- a. Name of the deceased;
- b. Date, time, and place of death (institution or other place, city, state, zip);
- c. Name and address of the person or funeral establishment to whom the dead body or fetus is released;
- d. Date and from whom the funeral director assumed custody, including the name of the institution or other place of death releasing the dead human body or fetus;
- e. Date, time, and name of the licensed funeral director or registered intern completing embalming or other preparation for final disposition;
- f. Date, place and method of final disposition of the dead body or fetus.

100.11(2) Each funeral establishment shall create and maintain the following records for a period of ten years:

- a. General price list required by the funeral rule, beginning on the most recent effective date;
- b. Each completed statement of goods and services required by the funeral rule, beginning on the date the statement is signed;
- c. Cremation records (see 645—100.10(156));
- d. Embalming records;
- e. Each preneed contract (pursuant to Iowa Code chapter 523A), beginning on the date of death.

100.11(3) The funeral records maintained by the funeral establishment as required in 100.11(1) and 100.11(2) shall be made available by the manager, funeral director or owner of the funeral establishment to:

- a. Any person or entity assuming a new ownership interest or any person newly assuming the position of manager, at least ten days prior to a change in ownership or manager, unless otherwise mutually agreed upon by the parties;
- b. Any licensed funeral director who practiced funeral directing while under the employment of, or while acting as an agent of, the funeral establishment; and
- c. The state registrar of vital statistics and the board.

100.11(4) In the event a funeral establishment ceases to do business, the owner or manager of the funeral establishment shall identify the person or entity which will be responsible for records to be maintained by a funeral establishment as required in 100.11(1) and 100.11(2). The funeral establishment shall notify the board if funeral records are moved from the funeral establishment to another location and identify the person responsible for their safekeeping.

ITEM 5. Amend paragraph **101.5(1)“f”** as follows:

f. The intern shall, during the internship, complete the requirements outlined in 101.5(3), including to embalm not fewer than 25 human remains and direct or assist in the direction of not fewer than 25 funerals under the direct supervision of the certified preceptor and shall to submit reports on forms furnished by the department of public health. Work on the first 5 embalming cases and funeral cases, first 5 funeral arrangements, and first 5 funeral or memorial services must be completed in the physical presence of the preceptor. The first 12 embalming cases and the first 12 funeral case reports must be completed and submitted by the completion of the sixth month of the internship.

ITEM 6. Amend paragraph **101.5(2)“f”** as follows:

f. A preceptor's duties shall include the following:

- (1) Ensure the intern completes the training program outlined in 101.5(3);
- ~~(1)~~ (2) Be physically present and supervise the first five embalmings and first five funeral cases;
- ~~(2)~~ (3) Familiarize the intern in the areas specified by the preceptor training outline;
- ~~(3)~~ (4) Read and sign each of the 25 embalming reports and the 25 funeral directing reports completed by the intern;
- (4) (5) Complete a written six-month report of the intern on a form provided by the board. This report is to be reviewed with and signed by the intern and submitted to the board before the end of the seventh month; and
- ~~(5)~~ (6) At the end of the internship, complete a confidential evaluation of the intern on a form provided by the board. This evaluation shall be submitted within two weeks of the end of the internship.

ITEM 7. Amend paragraph **101.5(2)“g”** as follows:

g. Failure of a preceptor to fulfill the requirements set forth by the board, including failure to remit the required six-month progress report, as well as the final evaluation, shall result in an investigation of the preceptor by the board and may result in actions which may include, but not be limited to, the loss of preceptor status for current and future interns or discipline or both.

ITEM 8. Adopt the following **new** subrule 101.5(3):

101.5(3) Intern training requirements.

a. The board-approved preceptor shall ensure that the intern is knowledgeable of each of the following items during the internship:

- (1) The requirements of the Federal Trade Commission.
- (2) The requirements of the Occupational Safety and Health Act.
- (3) The requirements of the Americans With Disabilities Act.
- (4) The benefits of the Social Security and Veterans Health Administrations.
- (5) The requirements of Iowa funeral law and forms (for example, preneed in Iowa Code chapter 523A, death certificates and Iowa burial transit permits in Iowa Code chapter 144, authorized person in Iowa Code chapter 144C and the board's laws and rules).

b. The board-approved preceptor shall ensure that the intern performs each of the following under the preceptor's direct supervision:

- (1) Assists with or performs a minimum of 10 transfers of human remains.
- (2) Performs 25 embalmings of human remains to include:
 - 1. Obtaining permission to embalm.
 - 2. Placement of human remains on preparation table.
 - 3. Pre-embalming analysis.
 - 4. Primary disinfection.
 - 5. Setting features.
 - 6. Selection of injection/drainage sites and raising those vessels.
 - 7. Selection and mixing of embalming chemicals and operation of the embalming machine.
 - 8. Injection and drainage methods.
 - 9. Cavity treatment.
 - 10. Suturing techniques.
- (3) Prepares a minimum of 10 human remains for viewing to include:
 - 1. Dressing.
 - 2. Cosmetizing.
 - 3. Casketing.
- (4) Assists with cremation procedures to include:
 - 1. Contacting medical examiner.
 - 2. Completing required cremation forms.
 - 3. Preparing remains for cremation.
- (5) Makes complete funeral arrangements with a minimum of 10 families to include each of the following, as applicable:
 - 1. Presentation of funeral goods, products and services.

2. Presentation of payment options for families.
3. Contacting third-party suppliers of goods and services, such as clergy, cemetery personnel, outer burial container provider, crematory, florist, and musicians.
4. Completing the obituary.
5. Presentation of general price list and associated price lists.
6. Preparation and presentation of statement of funeral goods and services.
- (6) Coordinates, at a minimum, 10 visitations to include:
 1. Preparing the chapel, visitation room or other facility.
 2. Setting up floral arrangements.
 3. Setting up register book and memorial folders or prayer cards.
- (7) Directs a minimum of 25 funerals or memorial services to include, as applicable:
 1. Greeting funeral attendees.
 2. Assisting casket bearers.
 3. Preparing for funeral procession.
 4. Driving a vehicle in procession.
 5. Assisting at graveside committal.
 6. Transporting flowers.
 7. Coordinating with officiant and family.

ITEM 9. Amend rule 645—101.8(156) as follows:

645—101.8(156) Licensure by endorsement. An applicant who has been a licensed funeral director under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. Applicants licensed before 1980 are exempt from showing a passing grade on the national board examination. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

101.8(1) Submits to the board a completed application;

101.8(2) Pays the licensure fee;

101.8(3) Shows evidence of licensure requirements that are similar to those required in Iowa;

101.8(4) Provides official copies of the academic transcripts showing the completion of a mortuary science program accredited by the American Board of Funeral Service Education;

101.8(5) Provides official transcript of grades showing 60 semester hours from a regionally accredited college or university with a minimum of a 2.0 or “C” grade point average;

101.8(6) Completes a college course of at least one semester hour or equivalent in current Iowa law and rules covering mortuary science content areas, including but not limited to Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed;

101.8(7) Furnishes certified evidence of:

a. ~~two~~ Two or more years of actual practice as a licensed funeral director in the state from which the applicant desires to endorse; or

b. Having met requirements substantially equivalent to those in 101.5(1) “g” and 101.5(3).

101.8(8) Was issued the initial license by endorsement within six months of the birth month and will not be required to renew the license until the fifteenth day of the birth month two years later. The new licensee is exempt from meeting the continuing education requirement for the continuing education biennium in which the license was originally issued;

101.8(9) No change.

101.8(10) Satisfies the provisions of 101.18(3), if the applicant is not actively licensed in another jurisdiction.